IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 767 of 2001

to

FIRST APPEALNo 780 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

O N G C

Versus

SPECIAL LAND ACQUISITION OFFICER

Appearance:

MR AJAY R MEHTA for Appellant

MR UMESH TRIVEDI, AGP for Respondent No.1

MR JM PATEL FOR AJ PATEL for Respondent No. 2

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE J.R.VORA

Date of decision: 26/02/2001

COMMON ORAL JUDGEMENT (Per : MR.JUSTICE M.R.CALLA)

1. Admit. Issue Notice. Mr. Umesh Trivedi, learned A. G.P. and Mr. J.M. Patel for Mr. A.J. Patel appear on behalf of the respondents and accept the notice and waive the service. On the request of both the sides, the matters are taken up for final hearing right today. It is requested by both the sides that the matters are fully covered by decisions of this Court rendered in group of First Appeals Nos. 3548 to 3561 of 2000, First Appeals No. 3562 to 3575 of 2000 decided on 21.12.2000 and First Appeals No. 503 of 2001 to 514 of 2001.

2. All these 14 First Appeals are directed against the judgment and order dated 31.01.2000 passed by the Civil Judge (SD), Surat in Land Reference Cases No. 133 of 1987 to 141 of 1987, 166 of 1987 to 169 of 1987 and Land Acquisition Reference Case No. 222 of 1987, Land Acquisition Case No. 136/87 being the main case. The lands of the claimants of village Kavas, Taluka Choriyasi, District Surat, were sought to be acquired at the instance of ONGC for the ONGC project, Surat. For that purpose, Notification under Sec. 4 was issued on 02.11.1982 and thereafter Notification under Sec. 6 was issued on 02.04.1983. The Land Acquisition Officer passed the Award on 07th March, 1986 determining the rate of compensation as Rs. 4.50 to Rs. 4.75 per sq. meter. The matter was taken to the Reference Court u/s 18 of the Land Acquisition Act and the Reference Court has determined the rate of compensation at Rs. 17.00 per sq. meter by granting additional compensation at the rate of Rs. 12.25 and Rs. 12.50 per sq. meter. The Reference Court has passed the impugned judgment and order on the basis of the Village Forms Exhs. 28 to 35 and the previous Awards, Exhs. 36 to 42 concerning the same village or adjoining village Bhatpore. The lands of village Bhatpore had also been acquired for the same purpose for ONGC and in those cases when the matters came up before this Court in group of First Appeals No. 3548 to 3561 of 2000 and yet another group of First Appeals No. 3562 to 3575 of 2000, decided on 21st December, 2000, the Division Bench reduced the rate of compensation from Rs. 17/- to Rs. 13.50 per sq. meter. Both the sides submit that in this group of Appeals also the rate be reduced from Rs. 17/- to Rs. 13.50 per sq. meter.

Accordingly, the rate of compensation, as was determined by the Reference Court at Rs. 17/- per sq. meter is hereby reduced to Rs. 13.50 per sq. meter at which the compensation is to be paid to the claimants. The impugned judgment and order stands modified accordingly to this limited extent only.

3. All these 14 Appeals are partly allowed, as above, with no order as to costs.

4. Learned counsel for the appellants has submitted that the due amount shall be deposited within a period of three months from the date the certified copy of this judgment is served upon the concerned authority by either of the parties.

(M.R. Calla, J.)

(J.R. Vora, J.)

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